

Gary L. Ackerman

Congress of the United States

5th District, New York

COMMITTEE ON
FOREIGN AFFAIRS

CHAIRMAN,
SUBCOMMITTEE ON
THE MIDDLE EAST AND SOUTH ASIA
SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND THE GLOBAL ENVIRONMENT

COMMITTEE ON
FINANCIAL SERVICES

SUBCOMMITTEE ON CAPITAL MARKETS,
INSURANCE, AND GOVERNMENT
SPONSORED ENTERPRISES

SUBCOMMITTEE ON FINANCIAL
INSTITUTIONS AND CONSUMER CREDIT

March 4, 2009

The Honorable Lynne A. Osmus
Acting Administrator
Federal Aviation Administration
800 Independence Ave., SW Suite 1010
Washington, DC 20591

Dear Acting Administrator Osmus:

I am writing with regard to the New York City Department of Sanitation's Marine Transfer Station (MTS) at College Point, Queens, NY. On September 19, 2008, the Federal Aviation Administration determined in Aeronautical Study 2007-AEA-1163-OE, that the MTS was not a hazard to air navigation. I would like to know if the FAA is reconsidering its determination in light of the January 15, 2009 crash landing of US Airways Flight 1549 on Hudson River due to a birdstrike as well as other reported birdstrikes across the country. I continue to be greatly concerned that the MTS will be a natural attraction for birds and increase the threat of birdstrikes to planes using Runway 13-31 east of LaGuardia Airport.

In my previous correspondence of November 15, 2006, and January 23, 2007, I outlined my concern about building the now 100 ft. tall MTS in the path of Runway 13-31 and the threat of birds being attracted to the MTS. Even from a layman's vantage point, such as mine, I find it difficult to believe that with garbage trucks lined up, waiting to dump their trash at the facility or with trash raised 100 feet in the air, hungry birds would not be eagerly gathering about and circling above. Wisely, the FAA has determined that birds hovering near waste transfer sites do pose a threat to aircraft.

As I stated in my previous correspondence, a review of FAA protocol on "Hazardous Wildlife Attractants on or Near Airports" (AC No: 150/5200-33B) reveals that the agency recommends: 1) A 10,000 foot separation between an airport serving turbine-powered aircraft and a putrescible-waste disposal operation and; 2) A distance of at least five statute miles between a putrescible-waste disposal operation and approach or departure airspace. At 1900 feet from the end of an active runway, the proposed Marine Transfer Station falls well within both hazard areas. Although protocol allows for the placement of enclosed transfer stations within these perimeters, the FAA Advisory Circular states:

Enclosed trash transfer stations. Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone

(RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.

In the interest of ensuring the safety of the flying public and the communities surrounding LaGuardia Airport, I ask you to state how the College Point MTS complies with the above section of the Advisory Circular *and* why in your determination, it will not increase the threat of birdstrikes for planes landing and taking off from LaGuardia.

Thank you for your attention to this matter.

Sincerely,



GARY L. ACKERMAN

cc: Carmine Gallo, Regional Administrator